

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**F I L E D**  
JAN 13 2010  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
EASTERN MICHIGAN

JONATHAN WILKOF, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

CARACO PHARMACEUTICAL  
LABORATORIES, LTD., DANIEL H.  
MOVENS and MUKUL RATHI,

Defendants.

No. 2:09-cv-12830-RHC-MJH

**CLASS ACTION**

**STIPULATION AND ~~PROPOSED~~  
ORDER APPOINTING LEAD  
PLAINTIFF AND APPROVING LEAD  
PLAINTIFF'S SELECTION OF LEAD  
COUNSEL**

The following Stipulation is by and between Kevin Koziatek and Tushar Amin, lead plaintiff movants in the above-captioned action:

WHEREAS, the above-captioned class action complaint was filed with this Court on July 17, 2009, against Defendants Caraco Pharmaceutical Laboratories, Ltd., Daniel H. Movens and Mukul Rathi alleging violations of federal securities laws<sup>1</sup>;

WHEREAS, on July 17, 2009, less than 20 days after filing of the action, counsel for Plaintiff Jonathan Wilkof published notice, pursuant to 15 U.S.C. § 78u-4(a)(3)(A)(i)(I)-(II) on *BusinessWire*, a widely circulated national business-oriented wire service, advising members of the purported class of, *inter alia*, (1) the pendency of the action, (2) the claims asserted therein, (3) the purported class period, and (4) that, not later than 60 days after the date on which the notice was published, any member of the purported class had the right to move the Court to serve as lead plaintiff of the Class;

<sup>1</sup> An additional case, *Adams, et al., v. Caraco Pharmaceutical Laboratories, Ltd., et al.*, Case No. 2:09-cv-12900 RHC/MJH, was filed on July 23, 2009, asserting substantially similar claims against the same defendants. On October 30, 2009, the plaintiffs in the *Adams* case filed a notice of voluntary dismissal.

WHEREAS, Section 21D of the PSLRA provides that in securities class actions, courts “shall appoint as lead plaintiff the member or members of the purported plaintiff class that the court determines to be most capable of adequately representing the interests of class members,” 15 U.S.C. § 78u-4(a)(3)(B)(i);

WHEREAS, in accordance with the PSLRA, the “most adequate plaintiff” is the class member who “filed the complaint or made a motion in response,” “has the largest financial interest in the relief sought by the class,” and “otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure,” 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I);

WHEREAS, on September 15, 2009, Tushar Amin, who claims losses of \$105,578.10, made a timely motion seeking consolidation, appointment as Lead Plaintiff, and approval of his selection of the law firm Glancy Binkow & Goldberg LLP as Lead Counsel and The Miller Law Firm, P.C., as Liaison Counsel;

WHEREAS, on September 15, 2009, Kevin Koziatek, who claims losses of approximately \$18,000, made a timely motion seeking consolidation, appointment as Lead Plaintiff, and approval of his selection of the Kendall Law Group LLP as Lead Counsel and the law firm of Wiener & Gould, P.C., as Liaison Counsel;

WHEREAS, Kevin Koziatek has reviewed the competing motion of Tushar Amin and has no opposition thereto (and Kevin Koziatek remains willing to serve as an additional class representative as necessary);

WHEREAS, Tushar Amin has the largest financial interest in this action of any class member who timely filed a motion for appointment as Lead Plaintiff and preliminarily satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I);

WHEREAS, 15 U.S.C. § 78u-4(a)(3)(B) provides, *inter alia*, that as soon as practicable after the decision on consolidation is rendered, the court shall appoint the most adequate plaintiff as lead plaintiff for the consolidated actions;

WHEREAS, the Defendants take no position with respect to the selection of Lead Plaintiff and Lead Plaintiff's Counsel.

**IT IS HEREBY STIPULATED AND AGREED** by Kevin Koziatek and Tushar Amin, through their respective counsel of record, as follows:

1. Movant Tushar Amin has the largest financial interest in the relief sought by the class and preliminarily satisfies the requirements of Fed. R. Civ. P. 23. Accordingly, pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(iii), Tushar Amin shall be appointed as Lead Plaintiff.

2. Lead Plaintiff has selected the law firm Glancy Binkow & Goldberg LLP as proposed Lead Counsel and the Miller Law Firm, P.C., as proposed liaison counsel. These law firms have the requisite experience and expertise to prosecute this litigation on behalf of the putative class. Accordingly, pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v), Glancy Binkow & Goldberg LLP is approved as Lead Counsel and the Miller Law Firm, P.C., is approved as liaison counsel.

Dated: November 20, 2009

/s/ S. Thomas Wiener (w/consent)

S. Thomas Wiener (P29233)

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***Counsel for Kevin Koziatek***

Dated: November 20, 2009

/s/ Courtney B. Ciullo  
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***Proposed Liaison Counsel and Counsel for  
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***Proposed Lead Counsel and Counsel for  
Tushar Amin***

The following Stipulation is by and between Caraco Pharmaceutical Laboratories, Ltd., Daniel H. Movens, Mukul Rathi and the Plaintiff in the above-captioned action:

WHEREAS, the above-captioned class action complaint was filed with this Court on July 17, 2009, against Defendants Caraco Pharmaceutical Laboratories, Ltd., Daniel H. Movens and Mukul Rathi (collectively, "Defendants") alleging violations of §§10(b) and 20(a) of the Securities Exchange Act, as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), on behalf of a putative class of purchasers of Caraco securities between May 29, 2008 and June 25, 2009<sup>2</sup>;

**IT IS HEREBY STIPULATED AND AGREED** by Caraco Pharmaceutical Laboratories, Ltd., Daniel H. Movens, Mukul Rathi and the Plaintiff, through their respective counsel of record, as follows:

1. This Action and any subsequently filed related action shall be collectively referred to as the "Consolidated Action." Assuming that no judge of this district objects, each new case that arises out of or relates to the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application.

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<sup>2</sup> An additional case, *Adams, et al., v. Caraco Pharmaceutical Laboratories, Ltd., et al.*, Case No. 2:09-cv-12900 RHC/MJH, was filed on July 23, 2009, asserting substantially similar claims against the same defendants. On October 30, 2009, the plaintiffs in the *Adams* case filed a notice of voluntary dismissal.

2. In accordance with Local Rule 83.11, the parties shall notify the Court within ten (10) days of any other action which is pending or filed, including actions outside of this district, which may potentially be related to the subject matter of the Consolidated Action if and when they become aware of such actions.

3. Every pleading in the Consolidated Action shall have the following caption:

IN RE CARACO PHARMACEUTICAL LABORATORIES, LTD. SECURITIES LITIGATION
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No. 09-cv-12830-~~RHC-MJH~~ <sup>AJT-DAS</sup>

4. Nothing in the foregoing shall be construed as a waiver of Defendants' rights to object to consolidation of any subsequently filed or transferred related action.

5. When a case that arises out of or relates to the same subject matter as the Consolidated Action is hereinafter filed in this Court or transferred to this Court, the Clerk of this Court shall:

- a) file a copy of this Order in the separate file for such action;
- b) mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed case; and
- c) make the appropriate entry in the Master Docket for the Consolidated Action.

6. Lead Plaintiff shall file a Consolidated Amended Complaint in the Consolidated Action by December 22, 2009, unless otherwise agreed upon by the parties. The Consolidated Amended Complaint shall supersede all existing complaints filed in this Consolidated Action.

7. Defendants shall plead, move, answer or otherwise respond to the Consolidated Amended Complaint by February 10, 2010, unless otherwise agreed upon by the parties. If

defendants file any motions directed at the operative complaint, Lead Plaintiff shall file the opposition brief by March 16, 2010, with the reply brief filed thereafter on April 6, 2010, unless otherwise agreed upon by the parties.

8. The Order entered upon this Stipulation is without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

9. The Order entered upon this Stipulation is without prejudice to the rights of any party to challenge personal jurisdiction.

Dated: November 20, 2009

/s/ S. Thomas Wiener (w/consent)

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Barry S. Weiner*

Dated: November 20, 2009

/s/ Courtney B. Ciullo

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Dated: November 18, 2009

/s/ Frank A. Taylor (with consent)

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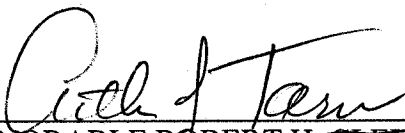
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*Attorneys for Defendants Caraco  
Pharmaceutical Laboratories, Ltd., Daniel H.  
Movens and Mukul Rathi*

\* \* \*

**IT IS SO ORDERED.**

Dated: January 13, 2010

  
HONORABLE ROBERT H. CLELAND ARTHUR J. TARNAW  
UNITED STATES DISTRICT JUDGE